

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AMERICAN WORK ADVENTURES,
INC., et al.,

Plaintiffs,

v.

KARTHIK MURUGIAN, et al.,

Defendants.

Case No. [21-cv-00084-JSC](#)

**ORDER DENYING MOTION FOR
DEFAULT JUDGMENT WITHOUT
PREJUDICE**

Pending before the Court is a motion for default judgment. (Dkt. No. 42.) While the complaint in the caption identifies two separate plaintiffs—American Work Adventures, Inc. and Mary Kass, individually—the body of the complaint only describes American Work Adventures, Inc. (Dkt. No. 1 ¶ 3.) Further, the complaint uses “Plaintiff” in the singular. (*See, e.g., id.* ¶¶ 6, 43-53, 55.) The motion for default judgment, however, is brought on behalf of Plaintiffs AWA and Mary Kass. (Dkt. No. 42.) As the complaint does not allege any facts as to Ms. Kass’s citizenship, there is no basis for the Court to conclude that there is complete diversity and thus subject matter jurisdiction. For a similar reason the Court cannot conclude that Ms. Kass—as opposed to only AWA—is entitled to judgment in her name. For example, there are no allegations that she individually is a party to the contract and the contract itself shows she is not. (Dkt. No. 43-5.)

Given the inconsistency between the complaint’s caption, the body of the complaint, and the motion for default judgment, the motion is DENIED without prejudice. If AWA wishes to proceed with default judgment on only AWA’s behalf, then on or before **May 19, 2022**, it shall file such motion and Ms. Kass shall file a dismissal of her individual claims. If Ms. Kass wishes to proceed with her individual claims, then the Court will hold a case management conference on

May 26, 2022 at 1:30 p.m. via Zoom video to discuss how to proceed. The case management conference will be vacated if AWA alone files a motion for default judgment by May 19, 2022.

This Order disposes of Docket No. 42.

IT IS SO ORDERED.

Dated: May 2, 2022


JACQUELINE SCOTT CORLEY
United States District Judge